


Defendant Smith to be served. It appears that Plaintiff may have abandoned his claims against Defendant Smith. Plaintiff shall file, within **ten (10) days** of this Order, a Notice as required in the Court's September 28, 2018, Order, or shall file a Response to this Order explaining why he has failed to do so. Failure to comply with this Order will result in dismissal of the claims against Defendant Smith without further notice.

In addition, it appears from NC DPS records that Plaintiff has been transferred from Marion C.I. to Tabor C.I. and he has not filed a Notice of Change of Address with the Court. Plaintiff is reminded that it is his responsibility to keep the Court apprised of his current address at all times. Plaintiff's failure to do so may lead to dismissal of this action for lack of prosecution.

IT IS, THEREFORE, ORDERED that:

- (1) Plaintiff **shall have ten (10) days from the date of this Order** in which to either file a Notice providing additional information about Defendant Smith or file a Response to this Order showing cause for why he has failed to comply with the Court's Order of September 28, 2018. If Plaintiff fails to do so, Plaintiff's claims against Defendant Smith will be dismissed without further notice to Plaintiff.
- (2) The Clerk of Court is instructed to mail a copy of this Order and the September 28, 2018, Order, (Doc. No. 23), to Plaintiff at his address of record at Marion C.I. as well as at Tabor C.I.

Signed: October 11, 2018


Frank D. Whitney
Chief United States District Judge

